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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91194679
Party	Plaintiff John P. Avlon
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Attachments	-Avlon_Pretial_Disclosures.pdf (5 pages)(13225 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 77/514,179
Published in the *Official Gazette* on December 29, 2009

JOHN PHILLIPS AVLON,
an individual

Opposer,

V.

Opposition No. 91194679

DEMARCUS FREEMON,
an individual

Applicant.

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

OPPOSER'S PRETRIAL DISCLOSURES

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.121(e), John Phillips Avlon (“Opposer”) submits his Pretrial Disclosures to Demarcus Freeman (“Applicant”) as follows:

A. WITNESSES

The following list contains information about each witness Opposer will or may call during his testimony period along with a general summary of subjects on which each witness is expected to testify:

Name and Contact Information	Relationship to Opposer or Applicant	Subjects
John Phillips Avlon c/o K&L Gates LLP 70 W. Madison St. Suite 3100 Chicago, Illinois 60602	Opposer	Mr. Avlon will be called to testify on some or all of the following: 1) Opposer and his business activities;

(312) 372-1121		<ol style="list-style-type: none"> 2) The creation, selection, registration and use of Opposer's mark; 3) The services and/or products provided under the mark; 4) Sale, promotion, distribution and channels of trade of services and/or products sold or offered under Opposer's mark throughout the United States; 5) Popularity of Opposer's mark; 6) Similarities between Opposer's and Applicant's marks; 7) Similarities between Opposer's and Applicant's services and/or products.
Demarcus Freemon Herbert T. Patty, Esq. 938 Alta Mar Terrace San Jose, California 95126	Applicant	Ms. Freemon may be called to testify on: <ol style="list-style-type: none"> 1) The services and/or products provided under Applicant's mark; 2) Sale, promotion, distribution and channels of trade of services and/or products sold or offered under Applicant's mark throughout the United States; 3) Similarities between Opposer's and Applicant's marks; 4) Similarities between Opposer's and

		Applicant' services and/or products; 5) Instances of confusion between Opposer and Applicant.
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Opposer reserves the right to call such additional witness as may be deemed necessary.

B. DOCUMENTS AND THINGS

The following list contains a general summary of documents and things that Opposer may introduce as exhibits during its witness(es)' trial testimony:

1. Marketing, promotional, advertising and other business materials depicting Opposer's mark.
2. Documents relating to sales and public dissemination of services and/or products under Opposer's mark
3. Third party materials referencing Opposer's mark.
4. Documents related to Opposer's trademark registrations and applications.
5. Documents relating to the creation, selection, history and use of Opposer's mark.
6. Documents related to the instant dispute between Opposer and Applicant.
7. All discovery responses submitted in this proceeding.

Opposer reserves its right to supplement and/or amend these Pretrial Disclosures as appropriate.

Dated: February 12, 2012

Respectfully submitted,

John Phillips Avlon
Opposer

By: Jeffrey T. Petersen
One of His Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a copy of the foregoing *Opposer's Pretrial Disclosures* was served this 12th day of February, 2012 by electronic mail to counsel for the Applicant:

Herbert T. Patty, Esq.
938 Alta Mar Terrace
San Jose, California 95126

Jeffrey T. Petersen, Esq.